

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Robbie Collins,

Plaintiff,

v.

Lt. Taylor, Warden Palmer, and Assistant
Warden Roberson,

Defendants.

Case No. 2:23-cv-01169-RMG

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge. (Dkt. No. 63). The Magistrate Judge recommends that Plaintiff’s motion for a temporary restraining order be denied. Plaintiff did not object to the R & R. For the reasons set forth below, the Court adopts the R & R as the order of the Court and denies Plaintiff’s motion for a temporary restraining order.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted).

Plaintiff is currently incarcerated in state prison and brings this action under 42 U.S.C. § 1983. Plaintiff alleges that Defendants failed to protect him from an attack by other inmates. (Dkt. No. 1). In his motion for a temporary restraining order, Plaintiff complains, inter alia, that he has been denied access to the law library and Westlaw. (Dkt. No. 52 at 1). The Magistrate Judge recommended denying Plaintiff's motion because (1) "his claims of retaliation at Lee are entirely unrelated to his Eighth Amendment claims arising from events at McCormick Correctional Institution" and (2) "[e]ven assuming that the basis of the suit and the temporary restraining order were the same, the undersigned recommends that Plaintiff has failed to make the required showing under" *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 21 (2008). (Dkt. No. 63 at 3–4).

After a careful review of the record in this matter and the R & R, the Court finds that the R & R ably summarizes the legal and factual issues in this matter and correctly concludes that the motion for preliminary injunction should be denied. The Court adopts the R & R (Dkt. No. 63) as the order of the Court.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

January 3, 2024
Charleston, South Carolina